

Canada's Anti-Spam Legislation (CASL) Training

Video 3 of 4

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Moderated by Neil Schwartzman, CAUCE

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MAAWG

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Messaging Anti-Abuse Working Group (MAAWG)

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Messaging Anti-Abuse Working Group

MAAWG CASL Training Videos

(over 90 minutes of training)

<u>Video 1</u> 30 minutes	<u>Video 2</u> 17 minutes	<u>Video 3</u> 7 minutes	<u>Video 4</u> 37 minutes
A. Overview and next steps B. Substantive requirements under CASL, <i>Competition Act</i> and PIPEDA	C. Enforcement and penalties	D. Comparison to U.S. CAN-SPAM Act	E. Practical implementation issues – liability issues F. Practical implementation issues – operational issues

Note: The interactive Q&A sessions for this training course are available to MAAWG members by logging onto www.MAAWG.org and navigating to the 22nd General Meeting Presentations page

D: COMPARISON TO CAN-SPAM

Shaun Brown
Counsel, nNovation LLP

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Similarities with CAN-SPAM

- Requirements to accurately identify sender
- Prohibition false and misleading transmission data/subject lines
- Requirement for unsubscribe mechanism
- Liability for brands who knowingly allow spam to be sent on their behalf (e.g., affiliate marketing)

Key Differences Between CASL & CAN-SPAM

CASL	CAN-SPAM
Addresses broad range of Internet issues (spam, spyware, pharming, etc.)	Addresses spam only
Applies to all forms of electronic messaging (email, SMS, IM, etc.)	Applies only to email
Applies to “commercial electronic messages” (very broad)	Applies to messages that are 1) commercial; or 2) transactional or relationship (more narrow)
Applies regardless of proportion of commercial content	Applies only if ‘primary purpose’ is commercial
Primarily opt-in; permission based	Opt-out; you can technically mail any person at least once

More Differences Between CASL & CAN-SPAM

CASL	CAN-SPAM
No specific rules for certain types of content	Specific rules for sexually-oriented content
Must give effect to unsubscribe request <u>right away</u>	Must give effect to unsubscribe request <u>within 10 business days</u>
Unsubscribe request takes effect when it is <u>sent</u>	Unsubscribe request takes effect when it is <u>received</u>
Unsubscribe mechanism must be valid for 60 days	Unsubscribe mechanism must be valid for 30 days
PRA available to anyone affected by a violation of the Act	PRA available only to providers of Internet Access Services

Q&A: CASL TRAINING JUNE 2011

This Q&A segment is only available to MAAWG members

Because discussion at MAAWG meetings is confidential, access to the interactive portion of this training session is available only to members.

If you are a MAAWG member, you can view the Q&A for the CASL training session by logging in at www.MAAWG.org, then go to “Past Meeting Presentations” and select 22nd General Meeting (June 7-9, 2010 San Francisco).



**This video is presented by the
Messaging Anti-Abuse Working Group**

Canada's Anti-Spam Legislation (CASL) Training

can be viewed in four segments
from the public training pages at www.MAAWG.org.

This has been part 3 of 4.

Our thanks to the presenters and moderator
for developing the materials in this training session
and allowing MAAWG to videotape it
for the benefit of professionals worldwide.

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